IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 20985 of 1994

Between:

1 Gopal Motwani, S/o. Bikhchand Motwani,
R/o. 5-9-22/1/16/1, Adarshnagar,
Hyderabad.
2 M/s. G.M.Family Beneficiary Trust, Rep. by their Trustee

Gopal Motwani, 5-9-22/1/16/1, Adarshnagar,
Hyderabad.

..... PETITIONERS

and

1 The State of Andhra Pradesh, Rep. by the Secretary,
Revenue Department, Secretariat,
Hyderabad.
2 The State of Andhra Pradesh, Rep. by the Secretary,
Panchayat Raj Department, Secretariat,
Hyderabad.
3 The District Colelctor, Ranga Reddy District,
Lakdikapul, Hyderabad.
4 The Revenue Divisional Officer,
Chevella Division, Chevella,
R.R.District.
5 The Mandal Revenue Officer,
Shamshabad, R.R.District.
6 The Chief Engineer, R & B (Special),
National Highway Division, Hyderabad.
7 The Executive Engineer, R & B (Special),
National Highway Division, Hyderabad.
8 Krishna Mohan Constructions, Rep. by the Partnet Mr.

Prabhakar Reddy, Flat No.403, Air View Apartments,

Punjagutta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus of a writ, declaring the impugned action of the respondents, their men, agents, staff and others in attempting to take over the land of the petitioners without following any procedure prescribed under law, admeasuring 10 acres in Sy.No.71 Gurram Tanka of Kishanguda Village, Shamshabad Mandal, Ranga Reddy District as arbitrary, illegal and not sanctioned by law and violative of Articles 14, 19(1)(g), 21 and 300-A of the Constitution of India and principles of natural justice and consequently not to interfering with the peaceful possession and enjoyment of the petitioners over the said land and also pay damages of Rs.1,00,000/- towards the loss/damage sustained by the petitioners in the interest of justice

Counsel for the Petitioners: MR.B.NALIN KUMAR

Counsel for the Respondent Nos.1 to 7: GP FOR REVENUE

Counsel for the Respondent No.8: None appeared

The Court made the following:

ORDER:

This writ petition is filed questioning the impugned action of the respondents and their men in attempting to take over the land admeasuring Ac.10-00 in Survey No.71 Gurram Tanka of Kishnguda village, Shamshabad Mandal, Ranga Reddy District belonging to the petitioners without following any prescribed procedure under law, as arbitrary and illegal and consequently restrain the respondents from interfering with the peaceful possession and enjoyment of the petitioners over the said land and also pay damages towards the loss sustained by the petitioners.

The factual matrix required to be taken note of, is as under:

The petitioners purchased Ac.10-00 of land in Survey No.71, Gurram Tunka of Kishanguda village under two registered sale deeds, constructed three sheds for poultry, a guest house, godown, office rooms, servant quarters and also raised crop

of castor plants and sold one yield of castor plants also. While so, the respondents without giving any prior notice and without following due process of law, notified the said land for acquisition. It is further stated that the respondents also destroyed a part of the fencing, caster crop, bore well. in the month of November, 1994. Hence the writ petition.

Learned counsel for the petitioners contends that the respondents are trying to evict the petitioners from the land in question under the guise of laying a road, without following the due process of law.

Learned Government Pleader for Revenue submits that the road has been laid in S.No.248, which belongs to the Government and the petitioners land admeasuring 10 acres of land is situated in Survey No.71, and therefore the land of the petitioners is nothing to do with the laying of the road by the respondents.

Recording the aforesaid submission, the writ petition is disposed of. No costs.

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18-11-2004

rkk/kvrk

To

1 The Secretary, State of Andhra Pradesh,
Revenue Department, Secretariat,
Hyderabad.
2 The Secretary, State of Andhra Pradesh,
Panchayat Raj Department, Secretariat,
Hyderabad.
3 The District Colelctor, Ranga Reddy District,
Lakdikapul, Hyderabad.
4 The Revenue Divisional Officer,
Chevella Division, Chevella,
R.R.District.
5 The Mandal Revenue Officer,
Shamshabad, R.R.District.
6 The Chief Engineer, R & B (Special),
National Highway Division, Hyderabad.
7 The Executive Engineer, R & B (Special),
National Highway Division, Hyderabad.
8 Two CCs to GP for Revenue, High Court buildings, Hyderabad.

(OUT)

9 Two CD copies.